

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Case No. 22-cr-348 (JNE/LIB) (1)  
ORDER

Gale Allen Rachuy,

Defendant.

The Court sentenced Defendant to 21 months' imprisonment and ordered him to surrender to the U.S. Marshal for service of sentence on Monday, December 18, 2023. Defendant moved to extend his voluntary surrender date to January 5, 2024, to allow him to begin a "recommended stress test." He explained: "At Mr. Rachuy's appointment today, Dr. Berry expressed concern over Mr. Rachuy's heart condition, recommending it be assessed with a 14-day holter monitor before Mr. Rachuy begins his sentence."

Two documents are attached to Defendant's motion. The first is a letter signed by Mark G. Berry, DO. Regarding Defendant, Dr. Berry wrote:

The patient is having significant cardiac problems that need to be evaluated. My concern is that patient symptoms could be due to [a] potential fatal cardiac abnormality. I am ordering a stress test and 14 day holter monitor. I feel this needs to be evaluated prior to his prison sentence.

The second provides details about Defendant's cardiac stress test appointment, which is scheduled to take place on Monday, December 18, 2023, at noon.

By e-mail to the Court, the government stated that it took no position on Defendant's motion to extend his voluntary surrender date.

Because the Bureau of Prisons is capable of addressing Defendant's medical issues, the Court defers his voluntary surrender date and allows him to voluntarily surrender for service of sentence at the institution designated by the Bureau of Prisons. The Court modifies the conditions of his release to add a requirement of home detention with GPS monitoring. Insofar as Defendant's motion is consistent with the foregoing, it is granted.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Defendant's Motion to Extend Voluntary Surrender Date [Docket No. 74] is GRANTED as set forth below.
2. Defendant's voluntary surrender date is deferred pending the Bureau of Prisons' designation of an institution for service of his sentence. Upon the Bureau of Prisons' designation of an institution for service of his sentence, Defendant must immediately surrender for service of sentence at the institution designated by the Bureau of Prisons.
3. The conditions of Defendant's release are modified to include:

Defendant shall be monitored using global positioning system (GPS) technology. Defendant shall be monitored under the following restrictions:

Defendant is restricted to his residence at all times unless Defendant receives approval in advance from the pretrial services office or supervising officer for medical treatment, court obligations, or other activities.
4. Defendant must report to the U.S. Probation and Pretrial Services Office in Duluth, Minnesota, at 8 a.m. on Monday, December 18, 2023, for installation of GPS monitoring technology.

Dated: December 15, 2023

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge